

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
RICHARD PATRICK,

Petitioner,

v.

RICK RAEMISCH, Secretary of WI DOC,  
MR. MARK K. HEISE, Bureau of Classification,  
ALFONSO GRAHAM, Parole Board Chairperson,  
STEVEN LANDREMAN, RCI's Parole Board  
Member and DR. COLEMAN, RCI's Clinical Doctor,

Respondents.  
-----

ORDER

08-cv-98-bbc

On September 15, 2008, I denied petitioner Richard Patrick's request for leave to proceed in forma pauperis on appeal after concluding that his appeal was not taken in good faith. I advised petitioner that because he did not qualify for pauper status on appeal, he owed the \$455 filing fee for his appeal immediately. Now petitioner has filed a motion to waive that filing fee, arguing that he has no money to pay it. He has included an affidavit of indigency.

I must deny petitioner's motion. This court does not have the power to waive the filing fee for an appeal. Petitioner's inability to pay the full amount of the filing fee

immediately does not relieve him of the obligation to pay this fee. As the court of appeals stated in its October 27, 2008 order dismissing petitioner's appeal, the clerk of the district court will collect the appellate fee from petitioner's trust account using the mechanism of 28 U.S.C. § 1915(b). Under this provision, petitioner will be required to make monthly payments of 20 percent of the preceding month's income credited to his trust account.

ORDER

IT IS ORDERED that:

1. Petitioner Richard Patrick's motion (dkt. # 18) to waive the \$455 filing fee for his appeal is DENIED.

Entered this 28<sup>th</sup> day of October, 2008.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge